

CUMBERLAND TOWNSHIP PLANNING COMMISSION  
Meeting Minutes of July 9, 2020  
1370 Fairfield Road, Gettysburg, PA 17325

Call to Order: The Meeting was called to order at 7:00 P.M. by Chairman Barry Stone.

Attendees: Chairman Stone, Vice-Chairman Steve Tallman, Members Kenny Caudill, Barbara Underwood; Jim Henderson was absent; Solicitor Sam Wiser, Zoning / BCO Michele Long, KPI Technology Representative Leah Heine, Township Manager Ben Thomas, Jr.; Bob Sharrah; Citizens: Carl and Jeannette Athey

Minutes of the June 11, 2020 Regular Meeting: ***Approved on a Caudill - Tallman motion; 4-0 vote.***

Public Comment: No public comments were offered.

Active Business:

**Cumberland Township Zoning Text Amendment re: solar energy systems in the A (Agriculture) Zoning District and with appropriate standards:** The DRAFT ordinance provides for solar energy system uses in the A zoned District with appropriate standards to address potential impacts of such uses. Recommendations made by the Planning Commission at the March 12, 2020 meeting, along with Adams County comments, have been added. ***Motion of Tallman – Underwood recommended approval by the Cumberland Township Supervisors. Motion carried 4-0.***

NEW BUSINESS:

**Zoning Text Amendment re: central water and sewer:** The DRAFT ordinance modifies the central water and sewer facilities requirement set forth in § 27-603 of the Zoning Ordinance so existing lots within the Mixed Use zoning district may be improved with one (1) single-family dwelling unit without the need of central water and sewer facilities. The current ordinance requires a conditional use hearing. ***Motion of Underwood – Caudill recommended approval by the Cumberland Township Supervisors. Motion carried 4-0.***

**Zoning Text Amendment for “steep slope protection:”** The proposed ordinance amendment would revise various definitions along with § 27-1103 entitled ‘Steep Slope Protection’ of the zoning ordinance. ***Motion of Tallman – Caudill recommended approval by the Cumberland Township Supervisors. Motion carried 4-0.***

**Soliday Family Limited Partnership:** A final plan proposing a one (1) lot subdivision located on Taneytown Road. Ms. Heine reviewed KPI Technology’s letter of July 8, 2020. The Plan is in the Agricultural Zoning District which calls for a two acre maximum. The lot size is over ten (10.497) acres. Engineering comment #1 will need Zoning Officer’s verification and discussions with Solicitor Wiser. The applicant is seeking a single agricultural lot where there is an existing dwelling. Adams County Planning comments suggest a statement on the plan that this is a “Non-conforming use. Any expansion should conform to the Zoning Ordinance.” The property is in the County’s Clean and Green program and is also in the Township’s Agriculture Security designation. ***Motion of Tallman – Underwood recommended approval of the plan as presented. Motion carried 4-0.***

**Susquehanna Area Airport Authority Variance Request:** The Airport Authority is seeking a variance from § 27-1201.4; buffers and 27-1103; steep slopes of the zoning ordinance for their property situate 1130 Chambersburg Road. Presenters were Dave Spalding and Greg Schrock, Professional Engineers, from L.R. Kimball of Ebensburg, PA who advised there are several steep slopes being impacted by the development near a proposed access road, storm water conveyance systems, and revisions to the existing detention pond. The revisions would improve the slope conditions, infrastructure, and layout for the airport per Federal Aviation Administration (FAA) regulations. The FAA does not like landscaping due to safety concerns (attracting wildlife); The existing pond would be drained as it creates another wildlife safety concern. Steep slopes will be impacted with new storm water excavation; Work would not affect existing steep slopes. New storm water design would be kept under pre development conditions and maintain existing stream elevations. Piping will be installed to by-pass existing dwellings (Lincoln Estates). Township Attorney Wisner reviewed Chapter 27's zoning variance requirements. ***A Tallman – Underwood motion recommended the Zoning Hearing Board approve the variance request as presented by the engineers. 4-0 vote.***

**Adams Co. Historical Society Variance Request:** The Society is seeking a variance from the following zoning chapter; § 27-803; §27-1302.K.1; § 27-1302.FF; § 27-1201.5; § 27-1301.6; § 27-803 for the property situate 625 Biglerville Road. Presentations were made by Attorney Gavin Markey of Ream, Carr, Markey, Woloshin, & Hunter, LLP of York, PA and Eric Johnston, P.E. of Johnston and Associates, Inc. of York, PA. Also present were Historical Society Board Chair Clinton Eppelman and Project Manager David Hartzell. The representatives advised the 2.85 acre tract of land is located at 625 Biglerville Road and is vacant other than an abandoned storage building which will be raised. The applicant desires to construct a new two (2) story Museum and Archives barn that will include a second floor event center with the separate storage building (barn); 26' height, to be constructed to store historic information and items.

VARIANCE 1: For relief from Zoning Ordinance § 27-803 Development Standards to permit the construction of an Accessory Structure / Building (archives storage) exceeding 50% of the height of the principal Structure / Building (Museum). ***Motion of Caudill – Tallman recommended Zoning Hearing Board consider approval on a 4-0 vote.***

VARIANCE 2: For relief from Zoning Ordinance § 27-1302. K1 and 27-1302. FF to allow the creation of sixty-five (65) parking spaces on the subject land tract in lieu of the required one-hundred and four (104) parking spaces. The presenters advised the applicant would offer both on premise and off premise parking. Normal operations would experience 22 parking spaces; The Plan proposes 61 spaces on site; TRANSITIONS HEALTHCARE (595 Biglerville Road) would provide 45 off premise parking spaces (per agreement) with a walking path connection. Township Attorney Sam Wisner stated the applicant should also request a variance from § 27-1303 as well for “reserve parking” where the applicant may apply for a reduction in parking before the Zoning Hearing Board. Applicant Attorney Markey advised this would be added to the Zoning Hearing Board variance application. Attorney Wisner expressed concerns with the Memorandum of Understanding with Transitions Health Care in that the MOU may not be able to continue in perpetuity. Representatives advised there are other off premise parking options available in the future and would be willing to submit future plans if necessary and provide bus (shuttle) service for limited larger events. Applicant's Attorney Markey had no objections to the Township Solicitor's recommendations. Future options would be to provide a revised off premise parking plan to the Township if the TRANSITIONS AGREEMENT would no longer be applicable. The proposed facilities occupancy is 170. ***Following discussion, Planning Commission members recommended that if parking agreements would no longer be in***

**place special events would stop until parking space issues are rectified to the satisfaction of the Township; Events would be limited to the building occupancy requirements and by “Contract or Agreement” with each occupant renting the facilities for special events rentals. These conditions for consideration to the Zoning Hearing Board were approved on a Tallman – Underwood motion on a 4-0 vote.**

VARIANCE 3: For relief from Zoning Ordinance § 27-1201.5 to permit the construction of a decorative fence and storm water rain garden low height planting along the project frontage adjoining Biglerville Road in lieu of the required C2 evergreen and shrub buffer plantings.

VARIANCE 4: For relief from Zoning Ordinance § 27-1301.6 to permit the construction of a decorative fence and storm water rain garden with low height plantings along the project frontage adjoining Biglerville Road in lieu of the required perimeter parking lot landscaping shade tree plantings.

The representatives advised the front will have bio-retention, rain garden, and historic fencing with plantings and keep the visual opening to view lands of the Gettysburg National Military Park. The National Park Service requires the historic fencing in lieu of trees. **An Underwood – Caudill motion recommended the Zoning Hearing Board approve Variance requests 3 and 4 on a 4-0 vote.**

VARIANCE 5: For relief from Zoning Ordinance § 27-803 Development Standards to permit the construction of impervious surfaces on the tract which exceeds the 40% maximum impervious coverage (percentage of tract).

The representatives advised the plan is 49%, exceeding the Ordinance, requesting a dimensional variance for the 2.85 acres as the applicant shall manage pre versus post storm water development with the rate and volume component. Porous pavement was suggested as an option.

**A Tallman – Underwood motion recommended approval by the Zoning Hearing Board with the applicant required to manage storm water conforming with pre development versus post development rates. Motion passed 3-1 with Mr. Caudill voting nay.**

General: The Zoning / Building Code Officer’s Report was acknowledged for June, 2020.

There being no further business the Meeting was adjourned at 9:12 P.M. **Approved on a motion by Caudill – Tallman; 4-0 vote.**

Submitted by: \_\_\_\_\_ Ben Thomas, Jr. Twp. Manager